

at least one garment hanger having a suspension member and two support arms extending from opposite directions of said suspension member for supporting a garment;

a display tag positioned behind said garment hanger for providing a full frontal view of said garment hanger and for defining a display area; and

fasteners provided for attaching at least two points of said first garment hanger to said display tag.

18. A garment hanger retail package comprising:

at least one garment hanger having a suspension member and two support arms extending from opposite directions of said suspension member for supporting a garment; and

a display tag positioned behind said garment hanger for defining a display area and for providing a full frontal view of said garment hanger, wherein said display tag comprises a folded flap engaged with the suspension member of said garment hanger.

Remark:

Claims 1, 3, 5-7, 9, 10, 12 and 13 are rejected under 35 U.S.C. 112 for lacking antecedent basis or failing to point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant respectfully submit the amended claims to provide more precise description of the subject claims:

Claim 1:

The term "the opposite direction" was amended to "opposite direction" as proposed by the examiner. Similarly amendments were provided to independent claims 10, 14 and 18. In addition, the description of the display tag is clearer

defined to reflect the functional structures of the display tag, for providing sales information and for supporting a full frontal view of the garment hanger. These functional structures were clearly described in many different areas of the original specification and no new matter had been added. All information displayed on the display tag as described in the original specifications are collectively termed as sales information for the subject claim to have clear antecedent basis with the specification in accordance to the requirements of patent laws.

Claim 3:

The width of the hanger is now clearly defined in the subject claim. Claim 3 is now clear and precise.

Claim 5:

The objected "lower portion" description is replaced by a more precise description of the location of the mounting holes, in accordance to description of the specification and the illustrations Figures 4 to 6.

Claim 6:

The object generic term "body of the hanger" is replaced by a more precise description how the display tag is secured with the garment hanger with the two fasteners.

Claim 7:

Claim 7 is amended to more precisely recite the relative position structure between the fasteners and the hangers, and the color matching relationship there between.

Claim 9:

Instead of broadly reciting that the display tag is positioned between the two hangers, the more precise description of the positional relationship among the hangers and the display tag is now provided.

Claim 10:

More precise description of the display tag is provided.

Claim 12:

The defect of double antecedent basis is corrected.

Claim 13:

Claim is amended to depend on claim 12 instead of claim 10 for correcting the defect pointed out by the office action.

Since the claims are amended to more precisely reciting the subject matter of the invention, rejection in accordance to 35 U.S.C. 112 is respectfully requested to be withdrawn.

Claims 1, 2, 6, 14 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Taff. For a rejection to be valid under 35 U.S.C. 102(b) to be valid, EVERY claimed features of the subject claims must be clearly shown in the prior art. It is respectfully submitted that the display tag (20 of Fig. 1 and 224 of Fig. 14, 15) of Taff does not provide a "substantial display area on top of the support arms (9 of Fig. 1). The more precise recitation of the relationship in between the display tag and the hanger in claims 6, 14 and 17 also defines the subject claims away from the teaching of Taff.

Claims 1-6, 9-13, 18, 19 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Rahmey. For a rejection to be valid under 35 U.S.C. 102(b) to be valid, EVERY claimed features of the subject claims must be clearly shown in the prior art. In order for the examiner to better understand the important differences between Taff and the claimed invention, a sales sample (exhibit A) making use of the invented packaging are submitted for the reference of the examiner. It should be noted that the term "substantially" of claims 1 and 21 carries critical

weight for claims 1 and 21 to define over Rahmey. There are three important evidences that Taff does not provide a display area substantially on top of the support arms. Firstly it is obviously to an ordinary person having skill in the art to see that Taff has a substantial area of display around the medial portion of the hanger assembly. Secondly the substantial area (the majority area) of the space on top of the support arms 22, 24, 42 and 44 of Fig. 3 (locations of the printing 20, 22, 40, 42, 24 and 44) is empty space that is not occupied by the display tag of Taff. Thirdly, in fact it is obvious to an ordinary person having skill in the art to know that the packaging of Taff is completely different as compared with that of Exhibit A. The difference is the substantial display area on top of the support arms.

Since the substantial difference between Taff and the claimed invention had been pointed out, it is a matter how to recite the claim to address this difference. If this ground of rejection is to be withheld, in accordance to MPEP 707.07(j), the applicant respectfully requests the examiner to provide suggestion for a broadest amendment of claims 1 and 21 so as to address the difference identified. The examiner is also respectfully requested to communicate with the applicant with the phone number (310) 320-9811 for concluding an acceptable recitation of the claims to address the identified difference before a final office action is issued.

When Taff is compared with claim 5, the display tag of Taff does not show at a location of the two holes as described to justify a rejection of 35 U.S.C. 102 (e). More precise description of claim 6, 9, 10, 12, 18 also sufficiently define the subject claims over Taff. Accordingly, withdrawing of the rejection according to 35 U.S.C. 102(e) in view of Taff is respectfully requested.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rahmey or Taff. Claim 7 which depends on claim 6 are both amended to provide a more precise description of the positional relationship between the display tag and the hanger of the claimed packaging design. These recitations also further define the

subject claims over Rahmey or Taff. Accordingly, withdrawal of the rejection is respectfully solicited.

Claims 8, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taff. Claim 8 which also depends on amended claim 6, and claims 15, 16 which depend on amended claim 14 are provided a more precise description of the positional relationship between the display tag and the hanger of the claimed packaging design. These recitations further define the subject claims over Taff. In addition, claim 8 further recites the requirements of the fasteners so as not to interfere the motion of the movable arms. This feature is important to facilitate the try me feature that helps to sell an adjustable garment hanger (please refer to Exhibit A of the samples submitted). These recited packaging features are not disclosed in the cited prior art. Accordingly, withdrawal of the rejection is respectfully solicited.

In addition, the requirement of matching color or transparent fasteners claimed in claims 7, 15 and 16 (quoted as 14 and 15 in the office action) are determined in the office action to be an obvious matter of choice although the cited prior arts do not teach these requirements. Even if the other features are presented by quoted prior art except only the color or transparency difference of the fastener, it is respectfully submitted that the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983). In addition, prior art must also be considered as a whole, *W.L. Gore & Associates, Inc. vs Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). When the subject matter is considered as a whole, we have a new garment hanger packaging design that enables the whole frontal view of the garment hanger to be displayed in front of a customer, that initiated the applicant to refine the color of the fastener for a perfect presentation of the hangers to be sold. Please compare the submitted samples

Exhibit A with that of Exhibit B, Exhibit A is a preferred packaging design as compared with that of Exhibit B once we are able to provide a full frontal view of the garment hanger in front of the display tag. Since the disclosures of Rahmey and Taff hide the garment hangers behind the display tag, the choice of color of the fasteners is immaterial to the packaging design of the Rahmey and Taff. If we require Rahmey and Taff to use the same color fasteners, there will be significant production and cost impact as they will not be able to pick up other lower cost fastener of different colors readily available in the market. Accordingly, the subject matter of this application as whole initiate the desire to provide fasteners of transparent or matching colors. In contrary the packaging of Rahmey and Taff inherit a desire to pick up whatever fasteners readily available in the market at the lowest price, ignoring any color considerations. The packaging of the cited prior art as a whole has the desire **NOT** to be limited by any color restriction. Another important issue over here is if Rahmey or Taff teach the **motivation** to use transparent or matched color fastener in order to justify a rejection based on 35 U.S.C. 103, see *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998). It is respectfully submit that neither Rahmey nor Taff demonstrated any motive to select transparent or match color fasteners for their packaging and accordingly a rejection based on 35 U.S.C. 35 is requested to be withdrawn. If the rejections of the amended claims 7, 15 and 16 are to be maintained, the applicant respectfully requested the elaboration on the "Official Notice" taken with respect to color selection of fasteners of traditional garment hanger packaging. As stated in *In re Sun*, 31 USPQ 2d 1451, 1455 (Fed. Cir. 1993),

Finally, appellants seemingly argue that the examiner's lack of citation to support the asserted level of skill in the art makes the rejections improper per se. This is so, appellants suggest, because without such citation, there is no record by which they can argue that the examiner erred.

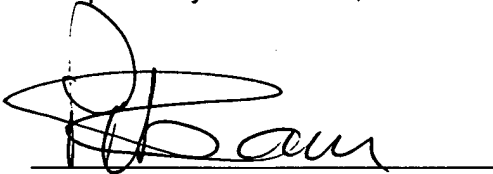
The following is a quotation from 37 C.F.R. 1.104(d)2:

When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference must be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.

Accordingly, applicant courteously requested that if the rejection is maintained, the Examiner provide an affidavit under 37 C.F.R. 1.104(d)2 providing citation regarding level of skill in the art and why it is appropriate to take the "Official Notice" stated.

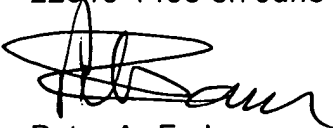
Finally, applicant also respectfully requests the Examiner to propose broadest allowable claim or specification amendment to the application pursuant to MPEP 707.07(j) if further amendment is required for the application to be allowed.

Respectfully submitted,

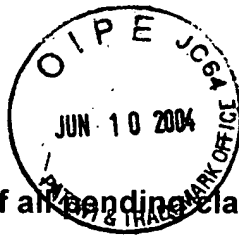
A handwritten signature in black ink, appearing to read 'Peter Ar-Fu Lam', written over a horizontal line.

Peter Ar-Fu Lam
Applicant
20104 Wayne Ave.,
Torrance, CA 90503.
(310) 320-9811

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelop addressed to: Mail Stop Non-Fee Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 7, 2004.

A handwritten signature in black ink, appearing to read 'Peter Ar-Fu Lam', written over a horizontal line.

Peter Ar-Fu Lam



Mark up copy of all pending claims, US Pat. Application 10/044,685
as of 6/7/2004

1. (First amendment) A garment hanger retail package comprising:
at least one garment hanger having a suspension member and two support arms
extending from [the] opposite directions of said suspension member for
supporting a garment; and
a display tag having a display area positioned substantially on top of said
supporting arms for displaying sales information related to said garment hanger.

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2. (Original) The garment hanger retail package of claim 1 wherein
said suspension member defines a hook portion; said display tag is further
trimmed to positioned below said hook portion.

3. (First amendment) The garment hanger retail package of claim 1 wherein
the terminals of said support arms remote from said suspension member defines
the width of said garment hanger, and [the width of] said display tag [is] has a
width equal or shorter than the width of said garment hanger.

4. (Original) The garment hanger retail package of claim 1 wherein
said display tag further comprising a flap having a hole for engaging the
suspension member of said garment hanger.

5. (First amendment) The garment hanger retail package of claim 1 wherein
said display tag further comprising at least two holes, each located around the
[lower portion of said display tag] foot print of said garment hanger for attaching
said display tag to said garment hanger.

6. (First amendment) The garment hanger retail package of claim 1 further comprising at least two separated fasteners for securing said display tag [to the body of] behind said garment hanger and for providing a full frontal view of said garment hanger in a store.

7. (First amendment) The garment hanger retail package of claim 6 wherein the frontal view of said garment hanger locates behind said fasteners, and said fasteners [comprise of material] are further configured to provide a color similar to the color of [the] said garment hanger [behind the fasteners].

8. (Original) The garment hanger retail package of claim 6 wherein said garment hanger is an adjustable width hanger having two stationary supporting arms and two movable arms configured to adjust the width of said hanger, wherein said fasteners are attached either to the medial portion or the stationary arms of said hanger so as not to interfere the motion of said movable arms.

9. (First amendment) The garment hanger retail package of claim 1 wherein said package comprises at least [two] a first and a second garment [hangers] hanger, said first garment hanger is positioned in front of said display tag, and said second garment hanger is positioned behind said display tag [is positioned in between said two hangers].

10. (First amendment) A garment hanger retail package comprising of at least a first and a second garment hanger; each garment hanger having a suspension member and two support arms extending from [the] opposite directions of said suspension member for supporting a garment; and a display tag positioned in [between] front of said [first and] second garment hanger and behind said first garment hanger [having], said display tag is further provided a display area extending along the [directions toward the remote ends] extension of said support arms.

11. (Original) The garment hanger retail package of claim 10 wherein said display area is positioned substantially on top of said support arms.
12. (First amendment) The garment hanger retail package of claim 10 further comprising fastening means for attaching at least two points of said first garment hanger to said display tag.
13. (First amendment) The garment hanger retail package of claim [10] 12 wherein said fastening means comprises a flap folded from said display tag.
14. (First amendment) A garment hanger retail package comprising:
at least one garment hanger having a suspension member and two support arms extending from [the] opposite directions of said suspension member for supporting a garment;
a display tag positioned behind said garment hanger for providing a full frontal view of said garment hanger and for defining a display area; and
fasteners provided for attaching at least two points of said first garment hanger to said display tag.
15. (Original) The garment hanger retail package of claim 14 wherein said fasteners comprise a transparent tape.
16. (Original) The garment hanger retail package of claim 14 wherein said fasteners comprise a tape similar in color to a portion of the hanger fastened by the tape.
17. (Original) The garment hanger retail package of claim 14 wherein said fasteners comprise a flap folded from said display tag.

18. (First amendment) A garment hanger retail package comprising:
at least one garment hanger having a suspension member and two support arms
extending from [the] opposite directions of said suspension member for
supporting a garment; and
a display tag positioned behind said garment hanger for defining a display area
and for providing a full frontal view of said garment hanger, wherein said display
tag comprises a folded flap engaged with the suspension member of said
garment hanger.

19. (Original) The garment hanger retail package of claim 18
wherein said folded flap comprises a hole for fitting said suspension member.

20. (Original) The garment hanger retail package of claim 18
wherein said hole is provided by at least one slit.

21. (Original) The garment hanger retail package of claim 18
wherein said display area is positioned substantially on top of said supporting
arms.

**Mark up copy of specification amendment, US Pat. Application 10/044,685
as of 6/7/2004**

Specification Page 2, sentence from lines 3 to 7:

When a sophisticated reciprocal adjustable garment hanger was promoted, it was discovered that the low cost garment hanger packaging designs commonly used in the art do not provide adequate display area to illustrate sales related information, such as the special benefits, features and operation of the reciprocal adjustable garment hangers.

Specification Page 5, last sentence of the paragraph from lines 1 to 4:

Because a portion of the display tag is blocked by the hangers behind, only the position above the supporting arm on both sides of the display tag are available for printing sales related information, such as [the] photographs and promotion messages.